

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 10-0054
)
Robin Pritchett,)
)
Respondent) Consent Decision
) and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The Respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Robin Pritchett, hereinafter referred to as the Respondent, is an individual whose address is 20401 Hunter Dr., Hornersville, Missouri 63855.

2. The Respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

Conclusions

The Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

(a) Failing to establish and maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;

(c) Failing to provide animals with adequate shelter

from the elements;

(d) Failing to maintain primary enclosures for animals in a clean and sanitary condition;

(e) Failing to provide dogs in outdoor housing facilities with clean, dry, bedding material when the ambient temperature was below 50 degrees Fahrenheit;

(f) Failing to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;

~~(g) Failing to provide outdoor shelter structures large enough to allow each animal within the enclosure to sit, stand, and lie in a normal manner, and to turn about freely;~~

(h) Failing to provide dogs in primary enclosures with the minimum amount of floor space as required by the regulations;

(i) Failing to develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise;

(j) Failing to provide outdoor housing facilities for dogs that are large enough to allow each animal to sit, stand, and lie in a normal manner, and to turn about freely;

(k) Failing to provide heat or bedding and to obtain specific approval from the attending veterinarian for puppies kept in outdoor facilities when the temperature was in the 30 degree Fahrenheit range;

(l) Failing to provide dogs with potable water;

(m) Failing to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks; and

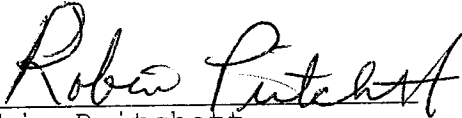
(n) Failing to allow APHIS access to the facilities as necessary for inspections.

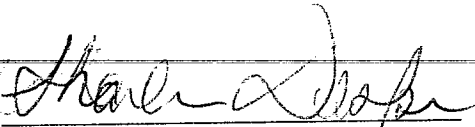
2. The Respondent is assessed a civil penalty of ~~\$41,906.00~~ of which all except \$1,000 is suspended provided that the Respondent complies with the terms in this consent decision. The civil penalty shall be paid by a certified check, cashier's check, money order or an electronic transfer made payable to the Treasurer of United States.

3. Respondent is permanently disqualified from obtaining a license under the Animal Welfare Act and the Respondent shall not engage in any activity which requires a license under the Act.

The provisions of this order shall become effective on the first day after service of this decision on the Respondent.

Copies of this decision shall be served upon the parties.


Robin Pritchett
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 4th day of October, 2010


Administrative Law Judge